

SECOND REGULAR SESSION

SENATE BILL NO. 1120

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS BRAY AND ENGLER.

Read 1st time February 27, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5391S.011

AN ACT

To amend chapters 544 and 545, RSMo, by adding thereto two new sections relating to protecting victims in sexual offense cases, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 544 and 545, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 544.025 and 545.395, to read as follows:

544.025. 1. When a victim of a sexual offense initially makes a
2 report of such offense to a law enforcement officer or a prosecuting or
3 circuit attorney, it shall be the duty of such law enforcement officer or
4 prosecuting or circuit attorney to inform the victim that he or she has
5 a right to request a no contact order be issued against the alleged
6 perpetrator of the sexual offense. If the victim requests such an order
7 it shall be the duty of the law enforcement officer or prosecuting or
8 circuit attorney to whom the victim makes the request to notify the
9 judge or the law enforcement officer or prosecuting or circuit attorney
10 who will be seeking a warrant from the judge in the sexual offense
11 case, that the victim is requesting that a no contact order be issued.

12 2. When a judge issues an arrest warrant for a person alleged to
13 have committed a sexual offense, regardless of whether or not the
14 warrant is based on a complaint, indictment, or information, such judge
15 shall, if it has been requested by the victim or victims, also enter an
16 order at the same time stating that the defendant shall have no contact
17 or communication of any kind, direct or indirect, with the alleged
18 victim or victims. The order shall remain in effect until the criminal
19 case is concluded. As used in this section "no contact or communication
20 of any kind, direct or indirect" includes but is not limited to contact or
21 communication in person, by writing, telephone, fax, e-mail, or any

22 other type of electronic communication, and includes contact or
23 communication through a third party or parties, except that the
24 defendant may communicate through his or her attorney to the
25 prosecuting or circuit attorney, or if the defendant does not have
26 counsel, directly to the prosecuting or circuit attorney, any lawful
27 request or legally necessary information which the prosecuting or
28 circuit attorney may then relay to the victim, if appropriate.

29 3. Any defendant who knowingly violates the no contact or
30 communication provisions of subsection 2 of this section shall be guilty
31 of a class C felony.

32 4. It shall be prima facie evidence that the defendant knowingly
33 violated the order if the defendant was served with the order or a copy
34 of the order at any time prior to the date and time of the violation.

545.395. 1. In any criminal case where a sexual offense is
2 alleged, no police reports, court documents, witness statements, or any
3 other documents shall knowingly be released to the defendant or his or
4 her counsel unless the victim's address, e-mail address, fax number,
5 telephone number and any other identifying contact information has
6 been redacted. The prosecuting or circuit attorney's address and phone
7 number shall be given in place of the victim's contact information. The
8 provisions of this subsection shall apply to anyone who releases
9 documents in connection to the criminal case to the defendant or his
10 or her counsel, including but not limited to the clerk, the court, the
11 prosecuting or circuit attorney, and any law enforcement agency.

12 2. Any contact requested with the alleged victim by the
13 defendant, if he or she is pro se, or by the defendant's attorney as part
14 of preparation for trial shall be made through the prosecuting or
15 circuit attorney's office. Upon receipt of a request for contact, the
16 prosecuting or circuit attorney or his or her employee shall set up a
17 mutual time for the parties to meet in a neutral setting. At no time
18 during these meetings shall the alleged victim be required to answer
19 questions regarding his or her address, telephone, e-mail, or other
20 contact information.

21 3. Any person who violates the provisions of subsection 1 of this
22 section shall be guilty of a class C felony.

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